

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Departmental Proceedings against Sri A.Shesh Rao, Addl., SP (Retired), (f) DSP, CID, RCIU, Sangareddy, Medak District – Initiation of departmental action under the provisions of Rule 9 of A.P. Revised Pension Rules, 1980 – Articles of charges – Issued.

HOME (SERVICES-I) DEPARTMENT

G.O. Rt. No. 2164

Dt.: 20-11-2012
Read the following:

- Ref: 1) From the Director General of Police, Hyderabad, Lr. Rc.No.444/O2/2011,
dated 15.03.2012 and 02.04.2012
2) Govt.Memo.No.8456/Ser/I/A2/2012, dated 02.04.2012
3) G.O.Ms.No.192, Home (Ser.I) Dept., dated: 20.11.2012

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ORDER :

In pursuance of the sanction accorded by Govt. under sub-rule (i) of clause (b) of sub-rule (ii) of Rule 9 of A.P. Revised Pension Rules, 1980 for initiating disciplinary proceedings against Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District vide reference 3rd read above, it is proposed to hold an enquiry against Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District in accordance with the procedure laid down in Rule 20 of the A.P.C.S. (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I & II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure III & IV). Copies of the documents cited in Annexure III are also communicated herewith to the charged officer. Other witnesses and documents will also be cited and examined if necessary in addition to the witnesses and documents already cited in Annexures-III & IV.

3. Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District is directed to appear before the disciplinary authority and submit a written statement of defence within 10 days from the date of the receipt of this order.

4. Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, further action will be processed based on the material available.

6. Attention of Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District is invited to Rule 24 of the A.P.C.S. (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri A.Shesh Rao, Addl., Supdt of Police (retired) (f) DSP, RCIU, Sangareddy, Medak District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.C.S. (Conduct) Rules, 1964.

7. Receipt of the Memorandum may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

Director General of Police, AP, Hyderabad – H is requested to serve the copy to the individual, duly enclosing the Annexure-II & IV, and obtain dated acknowledgment & furnish the same to Govt.

Sri A.Shesh Rao, Addl., Supdt of Police (retired), (f) DSP, RCIU, Sangareddy, Medak District)
through the DGP, AP, Hyderabad.

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE - I

STATEMENT OF THE ARTICLE OF CHARGE FRAMED AGAINST SRI A.SHESH RAO, ADDL., SUPDT OF POLICE (RETIRED) (F) DSP, RCIU, SANGAREDDY, MEDAK DISTRICT

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That Sri A.Shesh Rao, while working as DSP, CID, RCIU, Sangareddy, Medak District, has failed to make any tangible efforts to bring the absconding accused A4 & A9 in Cr.No.34/2002 U/s 396 IOPC of Hadnoor PS Medak District. He has also failed to make cogent efforts to recover the stolen gold articles which were said to have been sold by the accused at Bidar. Had the stolen gold articles were recovered, the prosecution case would have been strengthened and it could have resulted in successful prosecution. Thus while working as DSP RCIU, Sangareddy, Medak District has conducted perfunctory investigation, which shows his negligence, contravening rule 3 of APCS (Conduct) Rules, 1964.

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI A.SHESH RAO, ADDL., SUPDT OF POLICE (RETIRED) (F) DSP, RCIU, SANGAREDDY, MEDAK DISTRICT

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Sri A.Shesh Rao, Addl., Supdt of Police (Retird), has working as DSP, CID, RCIU, Sangareddy Medak District from 01.11.2007 to 13.09.2009 and retired from Service on superannuation on 30.11.2011. While functioning as DSP, he continued investigation in Cr.No.34/2002 u/s 396 IPC of Hadnoor PS Medak District. Earlier, this case was investigated by the local police Officer Sri M.Laxman Rao, the then Inspector of Police, CCS Sangareddy, Medak District. Since the investigation of the said M.Lasman Rao was perfunctory, he submitted a report dated 27.05.2008 to the Addl., DGP, CID, AP, Hyderabad, stating that the said Inspector Sri M.Laxman Rao, was dealt on punishment Roll by the SP Medak District, and was awarded with the punishment of PPI for one year without effect, but there is no evidence on record corroborate this fact, as he failed to collect connected material documents to strengthen his version. There is no doubt that he submitted report in very casual manner without proper material substantiating the subject matter mentioned thereof.

That, during the aforesaid period, while functioning in the aforesaid office, Sri A.Shesh Rao, on 21.08.2008 apprehended the accused A-5 to A8 at Subash Gunj Zaheerabad near water tank along a auto-rickshaw bearing No.KA32-8288 and interrogated them and they confessed that they have committed the offence along with A-1 to A4 and A9. Pursuant to the confessional statements of the accused, the said auto-rickshaw was seized. The accused confessed that they have sold stolen gold articles at Bidar, but nothing prevented him to go over to Bidar to cause enquiry about the stolen gold articles and to recover the same so that the prosecution would be strengthened, but ignore this vital point. Even though the opinion dated 03.06.2009 Legal Advisor, CID, Hyderabad was communicated to him vide Memo C.No.1867/C26/CID/2005, dated 15.07.2009 of Addl., DGP, CID, Hyderabad, he failed to make any efforts to comply the direction given to him. Instead, he informed vide letter dated 24.07.2009 that as and when the accused A-4 and A9 were arrested, he would make efforts to recover the property and hold Test Identification Parade of A-9 with LW-11 Smt Maley Kamalamma.

That during the aforesaid period, while functioning in the aforesaid office, Sri A.Shesh Rao being an IO of the case for the longer period, he failed to make any tangible efforts to bring the absconding accused A-4 and A9 to book and follow up legal action taken. Added to the above, he failed to make cogent efforts to recover the stolen gold articles which were said to have been sold by the accused at Bidar. Had the stolen gold article were recovered, the prosecution case would have been strengthened and it could have resulted in successful prosecution. Therefore, the said officer while working in the aforesaid office had conducted perfunctory investigation.

Thus he rendered himself liable for regular departmental action for major penalty.

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SRI A.SHESH RAO, ADDL., SUPDT., OF POLICE (RETIRED), (F) DSP, CID, RCIU, SANGAREDDY, MEDAK DISTRICT.

1. Report dated 27.05.2008 of DSP, CID, RCIU, Sangareddy.
2. Legal opinion dated 03.06.2009 of Sri Gamngaraju P{radad, the then Legal Advisor, CID, AP, Hyderabad.
3. Memo C.No.1867/C26/CID/2005, dated 15.07.2009.
4. Letter Dated 24.07.2009 of DSP, CID, RCIU, Sangareddy.
5. Charge Sheet in Cr.No.34/2002 u/s 396 IPC Hadnoor PS.
6. Judgment dated 25.08.2011 in SC No.435 of 2009 on the file of I Addl Sessions Court, Medak at Sangareddy in Cr.No.34/2002 of Hadnoor PS.
7. Deposition dated 03.08.2011 of Sri A.Selesh Rao, Addl., SP (Retired) recorded by I Addl., Sessions Court, Medak at Sangareddy.

ANNEXURE-IV

LIST OF WITNESSESS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SRI A.SHESH RAO, ADDL., SUPDT., OF POLICE (RETIRED), (F) DSP, CID, RCIU, SANGAREDDY, MEDAK DISTRICT.

1. Sri Gangaraju Prasad, the then Legal Advisor, CID, AP, Hyderabad dated 03.06.2009
2. CID Office Memo dated 15.07.2009.

AJOYENDRA PYAL
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

SECTION OFFICER